

Racial Profiling Advisory Board (RPAB) Findings and Recommendations

Dr. Eduardo I. Diaz, RPAB Chairperson
June 21, 2006

At the April 25th, 2006 meeting of the Board of County Commissioners (BCC), the Board did not accept the report entitled Presentation of the Racial Profiling Study Findings by the Alpert Group pending a meeting of a reconstituted Racial Profiling Advisory Board (RPAB), involving representation from the nine entities that contributed membership to the original RPAB established February 13, 2001. A great deal of time has elapsed since completion of the Miami-Dade Police Department (MDPD) Racial Profiling Study in November of 2004, and many questions have been raised about the violation of expected process in the dissemination of results and elicitation of community input. The BCC called for a resolution of process concerns within 90 days, involving input from a newly convened RPAB and from a Community Outreach, Safety and Healthcare Administration Committee (COSHAC) Workshop on the matter.

The newly constituted RPAB has addressed the following concerns discussed at the April 25 BCC meeting:

- A transparent process supported but not controlled by MDPD
- Election of an RPAB Chairperson
- Assessment of community reaction to the MDPD Racial Profiling Study
- Development of RPAB advisory recommendations to the BCC
- Honor and complete the original RPAB mandate:

“The Racial Profiling Advisory Board will directly participate in all aspects of the study to include the establishment of the data collection methodology, statistical analysis, public dissemination of findings and implementation of recommendations.”

The RPAB was led to propose ideas and recommendations as to how best to address getting beyond the MDPD Racial Profiling Study conducted by the Alpert Group. These emerged from multiple open meetings and two “Community Input” meetings that sought citizen reactions to the Study and the Draft Findings and Recommendations of the RPAB.

The RPAB acknowledges the collaborative efforts of multiple County agencies that made this report possible. These include the County Manager’s Office (CMO), the Miami-Dade Police Department (MDPD), the Office of Community Relations (OCR), and the Independent Review Panel (IRP). Special thanks go to those who provided essential staff support:

Retha Boone, Black Affairs Advisory Board
Susan Windmiller, Miami-Dade Police Department
Amy Carswell, Community Relations Board

The Findings and Recommendations below were approved by majority vote when a quorum was present. Each of the original nine RPAB entities was requested to serve and asked to name a voting member or designee, if the original individual was not available. What follows is a roster of who served on the reconstituted RPAB and the record of agency representation at the six meetings held by the RPAB.

Dr. Eduardo I. Diaz, RPAB Chairperson Independent Review Panel	6/6 meetings
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Don L. Horn, Esq. Jose Arrojo, Esq. State Attorney's Office	6/6 meetings
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Rosalind J. Matos-Dammert, Esq. Muslima Lewis, Esq. American Civil Liberties Union (ACLU)	6/6 meetings
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Dr. Leroy Lashley Dr. Brad Brown National Association for the Advancement of Colored People (NAACP)	5/6 meetings
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Commander Gary Eugene Sgt. S. G. McArthur City of Miami Police Department	3/6 meetings
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Rev Milton Broomfield (Designee of Rev. John L. Bodison) African Methodist Episcopal (AME) Church	2/6 meetings
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Nathaniel Wilcox People United to Lead the Struggle for Equality (PULSE)	1/6 meetings
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Brendan M. Coyle, Esq. Sgt. John Rivera (Resigned May 10, 2006) Police Benevolent Association (PBA)	1/6 meetings
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Dr. Jose Marques (Was not able to participate and did not name a designee) Florida International University (FIU)	0/6 meetings
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Meeting dates and locations were as follows:

- May 04, 2006-Office of Community Relations, 6th Floor Conference Room
- May 11, 2006-Office of Community Relations, 6th Floor Conference Room
- May 20, 2006-1st Community Input Meeting, African Heritage Cultural Arts Center
- May 31, 2006-2nd Community Input Meeting, County Commission Chambers
- June 09, 2006-Independent Review Panel, 11th Floor Conference Room
- June 16, 2006-Independent Review Panel, 11th Floor Conference Room

A good faith effort was made, by the more active RPAB members, to overcome multiple challenges and to complete this advisory function. Although unity was not always present, and individuals remain in disagreement with particular items, this was a worthy effort to help move things forward. Respectfully submitted, here are the democratically adopted RPAB Findings and Recommendations.

Findings:

1. The racial disparity in what happens after the traffic stop is the study finding that most calls for Miami-Dade Police Department (MDPD) action.
2. There appears to be a racial disparity regarding the actions taken by Miami-Dade Police Department officers after they stop motorists in what are commonly referred to as traffic stops.
3. After traffic stops, Black motorists are subjected to police interrogation via the Field Interrogation Card (FI) at disproportionately higher numbers than non-Black motorists.
4. After traffic stops, Black motorists are subjected to on-scene criminal background checks at disproportionately higher numbers than non-Black motorists.
5. In mixed and Black neighborhoods, Black males are stopped 1.2 times more than their percentage of the driving population. (Observation Study, p. 92,95)
6. In mixed and Black neighborhoods, Blacks are stopped 1.3 times and 1.5 times more, respectively, than their percentage of the driving population, as measured by their not-at-fault accident rate. (Contact Card Study, p. 134)
7. Blacks are 1.5 times more likely than Whites to be searched, including high discretion searches (where the officer is not required to search). (Contact Card Study, p. 149)
8. Whites are 1.7 times more likely to be found with drugs and weapons than Blacks. (Contact Card Study, p. 162)
9. Blacks are more likely to:
 - Be arrested (1.9 times, p. 174)
 - Receive a verbal warning (1.6 times, p.174)
 - Be towed (1.5 times, p. 175)
 - Receive a personal record check (1.2 times , p. 176)
 - Receive a vehicle check (1.8 times, p 176)
 - Have a field investigative card (FI) completed (2.3 times, p.177)
10. Initial Racial Profiling Advisory Board (RPAB) meetings were tightly managed by MDPD Assistant Director Jane Feuer and Dr. Alpert ran the meetings. The RPAB did not function as an autonomous or unified body, individual input was heard and votes rarely reflected unanimity of opinion. RPAB turnover was significant and the level of participation was uneven given some rarely spoke and a few spoke often.
11. From day one, RPAB members discussed the limited scope of the study and that it was not designed to answer important definitive questions. No academic study of the issue is definitive; this study was still considered an important contribution to the field.

12. Dissemination of study findings was not handled well and unnecessarily raised doubts in the community about the report and the MDPD response to recommendations. The five-month delay in releasing the study to the public contributed to community speculation that the Department and/or County were concerned about some findings.
13. The study was not designed to answer all questions pertaining to the practice of Racial Profiling by Miami-Dade officers; it focused exclusively on routine traffic stops. It did not address pedestrian stops or those of special operations like Tactical Narcotics Task-Force (TNT) and Robbery Intervention Detail (RID).
14. The study concluded that there is no apparent systematic Racial Profiling overtly influencing the decision to make routine traffic stops by the observed MDPD police officers. However, just being observed has an impact on the behavior of those being studied.
15. Limited to discretionary traffic stops, the data does not support a conclusion that there is no racial profiling in the Miami-Dade Police Department.
16. The recommendations in the last chapter of the MDPD Racial Profiling Study, incorporated herein by reference and summarized in Appendix A, are worthy of serious attention by elected officials and police professionals alike.
17. It is time to focus on the present and future; learn from this experience and take the next steps to resolve disparate treatment whether during traffic stops or at any level of police/community engagement.

Recommendations:

1. We urge that a written zero tolerance of racism policy be developed, that all personnel be trained in that policy and that a signed pre-employment affidavit be used with that policy.
2. A Racial Profiling study should be conducted to address post stop actions by MDPD officers, due to the differential aspects found in the Alpert Group study.
3. Race, gender and ethnicity should be recorded for all stops of persons on foot and tracked to ensure compliance with a zero racism policy. Information from this data base should be used in conjunction with the early warning system to address possible problem officers.
4. Video cameras should be installed in all patrol cars to record stops.
5. The MDPD Racial Profiling Report should contain a finding regarding evidence of Racial Profiling, not just a finding of racial disparities. Disparities in stop and/or search rates are indicators of Racial Profiling. The issue of whether there is evidence of Racial Profiling is what led the County Commission to authorize the report. The report attempts to explain away any disparities based on race rather than report them in a neutral way.

6. Given that one of the community concerns is Racial Profiling specifically of young African American males, it is recommended that the Alpert Group develop a table including the gender and age of the stopped drivers, along with race and ethnicity. An alternative would be to have the Alpert Group provide the RPAB with the necessary data.
7. Data collection must be continued, expanded to include pedestrian stops, and reported in a thorough manner. Future study methodologies should conform to up-to-date research best practices.
8. The Advisory Board should not be sun-setting. There remains a need to ensure community oversight of the implementation of the reforms and recommendations.
9. A quarterly report from MDPD to the County Commission is recommended; to inform the Commission and community if and how the department is implementing the recommendations. What is the department doing to address Findings and Recommendations?
10. The critical findings of the Alpert study relating to the apparent racial disparity regarding the actions taken by Miami-Dade Police Department officers after they stop motorists in traffic stops should be disseminated to each sworn officer of the department as part of a required training curriculum.
11. The Miami-Dade Police Department should establish specific guidelines based on objective, non-race based criteria regarding the field interrogation and field criminal records checks.
12. The departmental guidelines based on objective, non-race based criteria regarding the field interrogation and field criminal records checks should be disseminated to each sworn officer of the department as part of required training curriculum.
13. Officers who fail to comply with departmental guidelines regarding the field interrogation and field criminal records checks should be subjected to disciplinary review by the department in accordance with established procedures. The Miami-Dade Police Department should communicate to the community the departmental guidelines it has established regarding post-traffic stop interrogations and records checks.
14. The Miami-Dade Police Department, like all public and governmental entities, should engage in a continual self-evaluation of its officers' and agents' actions in citizen and police encounters of all types to insure that there is no race or national origin based disparities in treatment of this community's citizens.
15. That the "Summary of Alpert Group Recommendations to MDPD" and the findings and recommendations of the Racial Profiling Advisory Board be forwarded to the Dade Association of Chiefs of Police for the specific purpose of encouraging adoption of these recommendations by all police departments in Miami-Dade County.
16. MDPD should implement an ongoing data collection process addressing traffic stops, pedestrian stops and stops made by all tactical units (specially TNT and RID).

17. MDPD should revise its policy prohibiting biased based policing (which specifically includes the Racial Profiling issue); to incorporate language that represents current best practices.
18. MDPD should specifically incorporate bias-free policing in all levels of training; academy, field training, in-service and management training.
19. MDPD should commit to being evaluated by the community it serves, in a yearly community assessment conference co-hosted by the Independent Review Panel (IRP), Office of Community Relations (OCR), Community Relations Board (CRB) and Racial Profiling Advisory Board (RPAB).
20. MDPD should conduct a competitive procurement process to secure technical assistance from best practices experts to facilitate implementation of a new comprehensive bias-free policing strategy (which specifically includes the Racial Profiling issue).

The Alpert Group may be available to compete in this process.

Dr. Lorie Fridell, Associate Professor, University of South Florida (USF) and author of relevant documents published by the Police Executive Research Forum (PERF) may also be available. Her upcoming NACOLE conference presentation description follows: (See www.nacole.org)

Policing Racial Bias: What Jurisdictions Can Do to Promote Fair and Equitable Law Enforcement Practices

In this session, Dr. Fridell will describe how agencies can and should respond to the critical issues of racially biased policing and the perceptions of its practice and how resident stakeholders can facilitate responsible police actions. She will describe the comprehensive police agency response that addresses racial bias in the realms of policy, supervision/accountability, education/training, recruitment/hiring, outreach to diverse communities and data collection. She will report on promising practices around the nation.

In addition, the Police Assessment Resource Center (PARC) may also be available to compete, given their well established expertise in best practices. (See www.parc.info)

Community Input Meeting Comments and Concerns

To help accomplish the task of involvement in “*public dissemination of findings and implementation of recommendations*”, the RPAB conducted two Community Input Meetings. At these meetings, the public was invited to:

- Listen to a summary of Findings and Recommendations documented in the Racial Profiling Study by The Alpert Group.
- Listen to the proposed Findings and Recommendations of the Racial Profiling Advisory Board for consideration by the Board of County Commissioners.
- Propose additional Findings and Recommendations at this meeting.

These meetings also served as an opportunity for MDPD to provide observations about the Racial Profiling Study and an update on the status of reforms in policy and practice based on study recommendations.

The RPAB considered each of the concerns and recommendations documented in this Community Input Meeting section at the June 9th and 16th RPAB meetings, without a quorum present. They are expressions from the community that go well beyond the scope of the study but they merit being heard, based on consensus of four RPAB members. They are included in this report to memorialize the concerns and suggestions, so that a subsequent advisory body, or the BCC itself, may consider them if deemed appropriate.

The Miami-Dade Police Department (MDPD) was well represented at the May 20, 2006 RPAB Community Input meeting held at the African Heritage Cultural Arts Center. Director Parker, four Assistant Directors and several other members of the Command Staff were present to hear from the community, make observations and address concerns. Community participation was light in comparison to the police presence but several constructive observations emerged from those present.

The audience, in addition to grass roots participants, included former County Commissioner Betty Ferguson, representatives from the Mayor’s Office, Commissioner Edmonson’s Office, Public Defender’s Office, Unrepresented Peoples Positive Action Council (UPPAC) and, from the ACLU, representatives from its Local Chapter, State and National Office.

The RPAB was not the subject of “sunset review” every two years like other County Advisory boards. The Racial Profiling Advisory Board was “dysfunctional” and merits revision in membership as well as legislative mandate.

The reality of Racial Profiling as experienced by some community members has not been captured by the MDPD Racial Profiling Study.

MDPD reports that policy reform is being focused on documented post-stop disparities and police officer conduct during contacts with citizens. Policy has been changed wherein towing a vehicle after a traffic stop is no longer based on police officer discretion; it now requires approval by a supervisor.

MDPD reports that its current policy calls for citizens to receive an explanation as to why they were stopped however monitoring how or whether it is done is a challenge. Post stop citizen feedback cards have been considered but not implemented by MDPD due to expectations most would reflect a negative assessment by the inconvenienced citizen.

MDPD would welcome post study additional follow-up that also informs who is committing crimes, according to victims. MDPD concurs that RPAB Findings and Recommendations should be shared with the Dade County Association of Chiefs of Police. (Director Parker has recently assumed the role of President)

If the Board of County Commissioners (BCC) agrees to establish an ongoing RPAB, it should include representation from the Public Defender's Office, UPPAC and the Dade County Association of Chiefs of Police. The RPAB should be empowered to add members, or to change members for just cause, by RPAB consensus. The BCC should formalize the authority of the RPAB by legislation that provides for a clear articulation of authority, process expectations, membership, budget and staff support.

MDPD officers should be trained to address everyone subject to a stop, questioned and subsequently released, with an explanation for the stop, and an apology for the inconvenience when appropriate. Everyone subject to a stop by police officers, who is not arrested or cited, should be provided a feedback comment card.

MDPD should provide officers thorough sensitivity training and improve its complaint process to be more user-friendly; educating the community about its existence. Complaints against MDPD raised at community meetings should be treated as official complaints, in the event the complainant has not already filed a complaint.

The May 31 Community Input meeting was held in the evening at the BCC chambers and provided another opportunity for constructive engagement between MDPD and the community folks who participated. The following observations and concerns were gleaned from statements of attendees:

Racial Profiling as a factor in stop decisions may be documented in future studies if looked at with methodology more current than that employed several years ago by the Alpert Group. People doing no wrong, that are stopped, temporarily detained, questioned and released, often experience intense feelings of humiliation.

Blacks coming out of prison are at high risk to the impacts of Racial Profiling and need much more help adjusting to the free world, and to avoid return to prison. Certain police tactics, like aggressive policing of loitering, results in a disparate treatment of Blacks.

Disparate impact on Blacks also stems from relocations due to inadequate affordable housing and ineffective economic development.

Some officers get angry and abuse certain charges to punish the subject with a certain ride to jail, even though those charges would likely be subsequently dropped or reduced. The allegation that some police officers are not truthful on official documents and that lying is a problem, is a matter that merits serious attention.

MDPD Director Parker acknowledges that policing is an evolving profession and that he is committed to values of integrity, respect, courtesy and fairness. He is open to community input and supports Community Oriented Policing strategies, further studies addressing disparities, explanations for them, and enhanced training for MDPD officers.

MDPD is doing a good job, in responding quickly to specific concerns of individual citizens. MDPD is willing to explore how to enhance the Early Warning System to help address potentially biased behavior of individual officers.

Recent MDPD policy revisions address new procedures on the use and documentation of Field Interrogation (FI) Cards. New FI procedure details should be provided to the RPAB and other oversight bodies.

MDPD should assess current best practices in police accountability regarding biased based policing and anger induced abuse of power; to subsequently enhance the current Early Warning System. MDPD should record and track essential race and ethnicity information on all official documents, to account for any disparities in treatment. Reports to the BCC should include information about Racial Profiling complaints received by MDPD.

MDPD should enhance in-service training and programs pertaining to special needs and at risk populations; like Black youth, people with disabilities, the recently released from prison, etc. Survivors of police maltreatment believe police should improve training on cultural diversity and how to engage people with disabilities. Black youth will likely respond best if police use a special method of engagement; using phraseology and mannerisms consistent with the younger demographic subculture.

MDPD and the State Attorney's Office (SAO) should conduct a quality of arrest study; carefully looking at the utilization of specific charges associated with Battery on a Law Enforcement Officer and/or Resisting With or Without Violence and accompanying charges, the frequency of subsequent no action, dismissal, nolle prossed or charge reduction; making comparisons to address differentials in practice by district or municipal departments.

MDPD should give a greater priority weight to Community Oriented Policing and should search for means to have more officers engaged in it.

Appendix A

Summary of Alpert Group Recommendations to MDPD

(The complete MDPD Racial Profiling Study is available at www.miamidade.gov/irp)

Page	Recommendation
207	Our policy recommendations involve modifying specific procedures to guarantee equal treatment to all citizens, and to ensure accountability.
207	A finding of disparate impact certainly calls for further study and analysis, but there may be valid reasons for disparities that are not explained by discriminatory intent.
211	These recommendations include two specific procedural modifications and several broad oversight concerns.
212	First, it is apparent that officers completed Field Interrogation Cards (FI) disproportionately for Black suspects compared to non-Blacks.....As a result, we suggest that the Miami-Dade Police Department specify the procedures to complete an FI card more clearly, train officers to identify suspicious persons using legitimate criteria, and also hold officers accountable for the potential use of race inappropriately in these decisions and actions.
212	Second, the data showed that officers conducted record checks on Black drivers at significantly higher rate than non-Black drivers.....Clearly, the criteria used by officers to conduct a record check needs to be standardized and fair to all citizens..... It is our recommendation that the Miami-Dade Police Department specify the criteria to initiate a record check more clearly, that they train officers, and ultimately hold them accountable for the potentially inappropriate use of race in these decisions and actions.
213	In order to assure the community that the Miami-Dade Police Department takes the issue of racially biased policing seriously, steps should be taken to strengthen current management strategies.
213	First, a continued data collection effort is needed to monitor the actions of officers. The type of information reported on the citizen contact card should be collected routinely.

213 These data can be imported into the Early Identification System or a performance-based management system. Either strategy will provide first-line supervisors with the information necessary to determine the rates at which officers stop citizens, conduct record checks, complete FI cards, issue tickets, conduct searches, seize contraband, and arrest individuals from different racial or ethnic groups.

214 All police officers should understand the need to protect individual rights and dignity. The Police Executive Forum (PERF) (Fridell et al., 2001) has published a report that suggests the need for training in the area of racially biased policing.

1. Education and training programs relating to racial bias in policing should more precisely define the numerous dimensions, complexities and subtleties of the problem (2001: 82-83)
 - applying discretionary enforcement on the basis of race;
 - tolerating different degrees of disorder and deviance on the basis of race;
 - assuming someone is dangerous on the basis of race.
2. Education and training programs relating to racial bias in policing should identify the key decision points at which racial bias can take effect, at the incident level (2001: 91, 92)
 - deciding who is worth surveilling for criminal activity – who is worth paying close attention to (including which vehicle tags to run);
 - deciding whom to contact or detain to investigate suspicions;
 - deciding what attitude to adopt during contacts and stops (i.e., firm, friendly, confrontational);
 - deciding whether to search, or request consent to search, people and vehicles, and how extensive and intrusive the search will be;
 - deciding what enforcement action to take (e.g., no action, verbal warning, citation or summons, custody arrest).
3. Education and training programs should review how operational strategies can contribute to racially biased policing and the perception thereof (2001: 92, 94)
 - laws and policies that specifically address how officers may and may not use race as a factor in enforcement decisions: and
 - departmental policies governing police discretion, and the factors officers may and may not take into account in the exercise thereof.

- 215 Beyond the PERF recommendations, there are a number of areas that should be incorporated into officer training.
- 215 These include strong guidance on when to conduct a record check, search criteria, the time required to conduct a search and the alternative uses of that time, social costs associated with a search of an innocent person (to both the department and the citizen), and balancing those costs with the enforcement of laws and protection of public safety.
- 215 In particular, officers should receive regular retraining on the law of search and seizure, and on objective race-neutral criteria for conducting searches.
- 216 The need to communicate politely and sensibly is imperative in police-citizen encounters. Many officers have the skills to defuse potentially unfavorable situations, while others need training, reinforcement, and encouragement.
- 216 While the present study looked only at discretionary traffic stops, future studies should investigate stops of pedestrians performed by MDPD officers. Currently, it is unknown how many pedestrians are stopped, questioned, or searched, and whether disparities exist in the treatment of minority or White citizens in these contacts.
- 216 In addition, the Miami-Dade Police Department should take advantage of other research opportunities, including the use of recently developed methods for measuring attitudes and stereotypes. Previous studies using these measures indicate that they may predict biased behavior, and might, therefore, help to identify officers who would benefit from additional training or supervision.